

APPEAL NO. 040290  
FILED MARCH 15, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 23, 2004. The hearing officer determined that appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the eighth quarter. Claimant appealed the determinations regarding good faith, direct result, and SIBs entitlement on sufficiency of the evidence grounds. Respondent (carrier) urges affirmance.

DECISION

We affirm.

We first note that while claimant appealed regarding the direct result determination, this sub-issue was decided in claimant's favor and we perceive no reversible error. We have reviewed the complained-of determinations regarding good faith and SIBs entitlement and we conclude that the issue involved a fact question for the hearing officer. Claimant contends that he had a total inability to work during the relevant qualifying period, and that no other record indicated he had an ability to work. The hearing officer determined that the claimant failed to provide an adequate narrative report from a doctor that specifically explained how the injury caused a total inability to work. This determination is not against the great weight and preponderance of the evidence. Given our affirmance of the determination that there is no sufficient narrative, we need not address whether any other record showed an ability to work.

The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is supported by the record and is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GARY SUDOL  
9330 LBJ FREEWAY, SUITE 1200  
DALLAS, TEXAS 75243.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Margaret L. Turner  
Appeals Judge